

May 14, 2009

DOCKET FILE COPY ORIGINAL

Received & Inspected

MAY 18 2009

FCC Mail Room

Denton Clark
Baker Hall School
P.O. Box 105
Spencerport, NY 14559-0105
Tele: (585) 594-5888
Fax: (585) 594-5806
e-mail: dclark@netacc.net

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

RE: CC Docket No. 96-45 and CC Docket No. 02-6

Request for Waiver

Applicant Name:	Baker Hall School
Billed Entity Number:	15424
Form 471 Application Number:	596432
Funding Request Number:	1721195

Dear Madam Secretary,

The purpose of this appeal is to request reconsideration of FRN 1721195 on Form 471 Application Number 596432.

After completing an extensive PIA review of our applications the final reviewer stated that everything "looked good" and I subsequently received four (4) Funding Commitment Decision Letters dated January 5, 2009. On the first page of each Funding Commitment Decision Letter an approved amount was listed. None of the Funding Commitment Decision Letters had a "denied" amount which is customary if any FRNs have been denied. I have included the first page of the Funding Commitment Decision Letter for Form 471 Application Number 596432. I then submitted the requisite Receipt of Service Confirmation Forms (Form 486) for each Form 471 Application.

I received a request on February 17, 2009 (included) to remove an unfounded FRN from the Form 486 associated with Form 471 Application Number 596432. Upon investigation, I found that FRN 1721195 on Form 471 Application Number 596432 was not funded with a comment, "FRN cancelled in consultation with the applicant". Naturally, I was taken back because I could find no documentation in either e-mail or hardcopy form which requested FRN 1721195 be cancelled.

I tried on several occasions to find out why FRN 1721195 was cancelled, but nobody could explain. So, I had no choice but to appeal a wrongful decision.

No. of Copies rec'd 0
List ABCDE

On March 6, 2009 I tried several times to fax my letter of appeal (included) to (973) 599-6542. Each time I tried to fax the appeal, I received a transmission error on my fax machine screen. I tested to see if the problem was with my fax machine by sending test faxes to known good fax numbers. The test faxes were received each time, so I concluded the problem was with either the fax line (973) 599-6542, or the machine connected to it.

I called the USAC Help Line [(888)-203-8100] but by the time of my last attempted fax, the Help Desk was closed. In addition, the post office and express couriers were also closed. Sending the appeal via mail on Saturday (March 7, 2009) would have been too late – the postmark would have been the 61st day. I called the Help Desk the next business day (March 9, 2009) and explained what transpired and they suggested I try to re-fax the appeal and detail the actions I had taken. I first sent a “test fax” to (973) 599-6542 and it appeared whatever fax problem that occurred on March 6th has been ameliorated. I then transmitted my letter of appeal on March 9, 2009 (included).

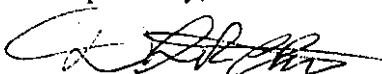
On March 20, 2009 I received USAC’s “Administrator’s Decision on Appeal – Funding Year 2008 – 2009) (included). It appears that USAC simply looked at the date of receipt of the appeal and did no further investigation into the circumstances. Therefore, I respectfully request that FRN 1721195 be funded because:

1. Had it not been for USAC’s erroneously canceling FRN 1721195, no appeals would need to have been filed.
2. I can find no evidence, nor has any evidence been offered supporting the assertion that FRN 1721195 was “cancelled in consultation with the applicant”.
3. The Funding Commitment Decision Letter for Form 471 Application Number 596432 did not state on the first page that any funding had been denied (which has been customary for years), and only identified an approved amount.
4. After trying to communicate with USAC to understand why FRN 1721195 was rejected, but after receiving no clarification, I faithfully tried to submit my appeal within the prescribed 60 days after the Funding Commitment Decision Letter Date, but the USAC fax machine was not accepting my fax.
5. I followed the USAC Help Desk guidance the following business day of the unsuccessful fax transmission explaining the situation.

Therefore, please grant my appeal. It was written in good faith, and was only needed due to what appears to be some error by USAC and not one not caused by me, namely the erroneous cancellation of FRN 1721195. I am transmitting my appeal via e-mail as well as Federal Express to ensure that it reaches you within the prescribed 60 days.

I respectfully request that the above FRN be funded based on the attached letter of appeal and be accepted after the March 6th due date. Should you wish to obtain any further documentation please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Denton Clark", written over a horizontal line.

Denton Clark



FUNDING COMMITMENT DECISION LETTER
(Funding Year 2008: 07/01/2008 - 06/30/2009)

January 5, 2009

Denton Clark
BAKER HALL SCHOOL
PO Box 105
Spencerport, NY 14559-0105

Re: Form 471 Application Number: 596432
Billed Entity Number (BEN): 15424
Billed Entity FCC RN: 0011981230
Applicant's Form Identifier: 15424 FY2008 Telecom

Thank you for your Funding Year 2008 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$40,160.80 is "Approved."

Please refer to the Report following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file FCC Form 486, Receipt of Service Confirmation Form. A guide that provides a definition for each line of the Report is available in the Reference Area of our website.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity applicant) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

You have the option of filing an appeal with the SLD or directly with the Federal Communications Commission (FCC).

If you wish to appeal a decision in this letter to USAC, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 596432 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2008," AND
 - The exact text or the decision that you are appealing.

FAX

Date :02/17/09

Total number of pages :3

To :1-585-594-5806

Company :

Department :

Fax number :1-585-594-5806

From :LW NECA Outgoing

Subject:FW: E-Rate Problem Resolution; Form 486; Case # 21-844765 MEGAN

From: SLD Problem Resolution

Sent: Tuesday, February 17, 2009 9:12 AM

To: LW NECA Outgoing

Subject: E-Rate Problem Resolution; Form 486; Case # 21-844765

Schools and Libraries Division

Fax

Date: 02/17/2009**Contact Name: Denton Clark****Fax #: 1-585-594-5806**

Applicant Name: Eaker Hall School

Contact Phone Number: 585-594-5888

Form Type: 486

Application Number(s): 529244

Applicant Form Identifier: 596432

Response Due Date: 03/04/2009

We are making this contact with you to obtain the necessary information to successfully data enter your E-Rate form.

We need the following information from you so that we may complete data entry:

On this form you listed the FRN 1721195 which is not funded. I will need for you to send me a request to remove the FRN from this form.

Please make these corrections to your form and fax to my attention at 888-276-8736 or email the corrections to my attention at sld-problem-resolution@prod.vangent.com. Please reference the application number or form identifier and include your full name and title in all correspondences. If you have any questions, please call me at 888-203-8100 and reference **Case Number 21-844765**.

We need to receive this information from you within 15 calendar days of this communication. Failure to do so may result in rejection of your form or removal of an incomplete line. If you need additional time to prepare your response, please let me know as soon as possible.

If you need to cancel your form or any individual lines, please clearly indicate in your response that it is your intention to cancel the form or line. Include in any cancellation request the form number and/or Form Identifier, the Funding Request Number(s), and the complete name, title and signature of the authorized individual.

Thank you for your cooperation and continued support of the Universal Service Program.

Megan Allred

Client Service Bureau / Problem Resolution

Schools and Libraries Division

Help Line: 888-203-8100

Fax: 888-276-8736

E-Mail: sld-problem-resolution@prod.vangent.com

March 6, 2009

Denton Clark
PO Box 105
Spencerport, NY 14559-0105
Tele: 585-594-5888
Fax: 585-594-5806
Email: dclark@netacc.net

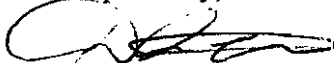
Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondence Unit
100 South Jefferson Road
PO Box 902
Whippany, New Jersey 07981

**Re: Letter of Appeal for: "Baker Hall School", BEN 15424;
Appellant Name: "Denton Clark"
Application #: 596432;
FRN: 1721195
SPIN: 143000677 "Verizon Wireless";
Funding Commitment Decision Letter for Funding Year 2008
Decision we are appealing: "FRN canceled in consultation with the applicant"**

The purpose of this appeal is to request reconsideration of FRN 1721195 on Form 471 Application Number 596432 which was allegedly cancelled based on "consultation with the applicant". I can find no documentation in either e-mail or hardcopy form which requested FRN 1721195 be cancelled. We still very much need the funding for Verizon Wireless and would like funding restored to FRN 1721195.

We respectfully request that the above FRN be funded based on this letter of appeal. Should you wish to obtain any of the documentation referenced above and the dates that it was previously made available to the SLD, please do not hesitate to contact me.

Respectfully,



Denton Clark

March 9, 2009

Denton Clark
PO Box 105
Spencerport, NY 14559-0105
Tele: 585-594-5888
Fax: 585-594-5806
Email: dclark@netacc.net

Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondence Unit
100 South Jefferson Road
PO Box 902
Whippany, New Jersey 07981

**Re: Letter of Appeal for: "Baker Hall School", BEN 15424;
Appellant Name: "Denton Clark"
Application #: 596432;
FRN: 1721195
SPIN: 143000677 "Verizon Wireless";
Funding Commitment Decision Letter for Funding Year 2008
Decision we are appealing: "FRN canceled in consultation with the applicant"**

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I called the USAC Help Line [(888-203-8100)] but by the time of my last attempted fax, the Help Desk was closed. In addition, the post office and express couriers were also closed. Sending the appeal via mail on Saturday (March 7, 2009) would have been too late – the postmark would have been the 61st day. I called the Help Desk today and explained what transpired and they suggested I try to re-fax the appeal today and detail the actions I had taken. I sent a "test fax" to (973) 599-6542 and it now appears whatever fax problem that occurred on March 6th has been ameliorated.

Therefore, please accept my appeal (attached). It was written in good faith, and was only needed due to what appears to be some error not caused by me, namely the erroneous cancellation of FRN 1721195.

I respectfully request that the above FRN be funded based on the attached letter of appeal and be accepted after the March 6th due date. Should you wish to obtain any of the documentation referenced above and the dates that it was previously made available to the SLD, please do not hesitate to contact me.

Respectfully,



Denton Clark



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2008-2009

March 20, 2009

Denton Clark
Baker Hall School
P. O. Box 105
Spencerport, NY 14559-0105

Re: Applicant Name:	BAKER HALL SCHOOL
Billed Entity Number:	15424
Form 471 Application Number:	596432
Funding Request Number(s):	1721195
Decision Letter Date:	January 05, 2009
Date Appeal Postmarked:	March 09, 2009
Your Correspondence Dated:	March 09, 2009

Our records show that your appeal was postmarked more than 60 days after the date your Funding Commitment Decision Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

If you believe there is a basis for further examination of your application, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be POSTMARKED within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company